

110TH CONGRESS  
1ST SESSION

# S. 1002

To amend the Older Americans Act of 1965 to reinstate certain provisions relating to the nutrition services incentive program.

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IN THE SENATE OF THE UNITED STATES

MARCH 27, 2007

Mr. KENNEDY (for himself, Mr. ENZI, and Mr. ROBERTS) introduced the following bill; which was read twice, considered, read the third time, and passed

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## A BILL

To amend the Older Americans Act of 1965 to reinstate certain provisions relating to the nutrition services incentive program.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Older Americans Reau-  
5 thorization Technical Corrections Act”.

6 **SEC. 2. NUTRITION SERVICES INCENTIVE PROGRAM.**

7 Section 311 of the Older Americans Act of 1965 (42  
8 U.S.C. 3030a), as amended by section 309 of the Older

1 Americans Act Amendments of 2006, is further amend-  
2 ed—

3 (1) by striking subsection (b)(3);

4 (2) by striking subsection (d) and inserting the  
5 following:

6 “(d)(1) Each State agency and each title VI grantee  
7 shall be entitled to use all or any part of amounts allotted  
8 under subsection (b) to obtain, subject to paragraphs (2)  
9 and (3), from the Secretary of Agriculture commodities  
10 available through any food program of the Department of  
11 Agriculture at the rates at which such commodities are  
12 valued for purposes of such program.

13 “(2) The Secretary of Agriculture shall determine  
14 and report to the Secretary, by such date as the Secretary  
15 may require, the amount (if any) of its allotment under  
16 subsection (b) which each State agency and title VI grant-  
17 ee has elected to receive in the form of commodities. Such  
18 amount shall include an amount bearing the same ratio  
19 to the costs to the Secretary of Agriculture of providing  
20 such commodities under this subsection as the value of  
21 commodities received by such State agency or title VI  
22 grantee under this subsection bears to the total value of  
23 commodities so received.

24 “(3) From the allotment under subsection (b) for  
25 each State agency and title VI grantee, the Secretary shall

1 transfer funds to the Secretary of Agriculture for the costs  
2 of commodities received by such State agency or grantee,  
3 and expenses related to the procurement of the commod-  
4 ities on behalf of such State agency or grantee, under this  
5 subsection, and shall then pay the balance (if any) to such  
6 State agency or grantee. The amount of funds transferred  
7 for the expenses related to the procurement of the com-  
8 modities shall be mutually agreed on by the Secretary and  
9 the Secretary of Agriculture. The transfer of funds for the  
10 costs of the commodities and the related expenses shall  
11 occur in a timely manner after the Secretary of Agri-  
12 culture submits the corresponding report described in  
13 paragraph (2), and shall be subject to the availability of  
14 appropriations. Amounts received by the Secretary of Ag-  
15 riculture pursuant to this section to make commodity pur-  
16 chases for a fiscal year for a State agency or title VI  
17 grantee shall remain available, only for the next fiscal  
18 year, to make commodity purchases for that State agency  
19 or grantee pursuant to this section.

20 “(4) Each State agency and title VI grantee shall  
21 promptly and equitably disburse amounts received under  
22 this subsection to recipients of grants and contracts. Such  
23 disbursements shall only be used by such recipients of  
24 grants or contracts to purchase domestically produced  
25 foods for their nutrition projects.

1 “(5) Nothing in this subsection shall be construed to  
 2 require any State agency or title VI grantee to elect to  
 3 receive cash payments under this subsection.”; and

4 (3) by striking subsection (f) and inserting the  
 5 following:

6 “(f) In each fiscal year, the Secretary and the Sec-  
 7 retary of Agriculture shall jointly disseminate to State  
 8 agencies, title VI grantees, area agencies on aging, and  
 9 providers of nutrition services assisted under this title, in-  
 10 formation concerning the foods available to such State  
 11 agencies, title VI grantees, area agencies on aging, and  
 12 providers under subsection (c).”.

13 **SEC. 3. EFFECTIVE DATE.**

14 (a) IN GENERAL.—The amendments made by section  
 15 2 shall take effect beginning with fiscal year 2008.

16 (b) APPLICATION PROCESS.—Effective on the date of  
 17 enactment of this Act, the Secretary of Agriculture shall  
 18 take such actions as will enable State agencies and title  
 19 VI grantees described in section 311 of the Older Ameri-  
 20 cans Act of 1965 (42 U.S.C. 3030a) to apply during fiscal  
 21 year 2007 for allotments under such section for fiscal year  
 22 2008.

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